

A Court-in' We Will Go

In the last issue of *Body Politic* I wrote about what happens when a person is arrested and procedures with the police. I would now like to continue and explain what happens in Court and who the performers in the next stage of the proceedings are.

If you are charged with Gross Indecency, an Indecent Act in a Public Place, Counselling or Vag. "E", you will probably be ordered to appear two weeks after the date of your arrest. This usually is (in Toronto) at 2.00 p.m. in Provincial Court #34 in the Old City Hall on Queen St. W. In cases of Indecent Assault Male, you may appear the day after you arrest (especially if it involves a juvenile). If you haven't contacted CHAT our representative will probably approach you and ask if you need any assistance. He is prepared to outline all the procedures that will take place and what your rights and options are. You are not obliged in any way for this assistance, and you are free to refuse it if you so desire. CHAT is only there to see that people accused of offenses where homosexuality is alleged are adequately protected.

The Court consists of a Provincial Judge (formerly called a Magistrate), a clerk who sits in front and below him and a court reporter who sits in front of the witness box and talks into a machine. The Crown-attorney conducts the case for the police. Your lawyer of the "duty" counsel will speak for you.

The "duty" counsel is supplied by legal aid and each criminal lawyer takes a turn at this. You can ask for him and seek his help if you so desire. His aid is free.

We recommend however that on your first appearance you ask for a remand to seek advice from a lawyer. We can tell you how to go about obtaining a lawyer and also legal-aid if you need it. This remand will usually be for a further two weeks.

Legal aid is in reality an interest free loan. If you are absolutely destitute, legal aid will pay the entire fee. However if you have some money or a job--you will be expected to pay it all back or at least part of it on the instalment plan.

Do you really need a lawyer? If you want to fight the accusation--yes. The results of a guilty plea and the conviction can be far-ranging and could come back to haunt you years later. Gross Indecency is an indictable offense (a serious charge)... A conviction for it could exclude you from immigrating to another country. e.g. A man convicted of Gross Indecency over ten years ago was recently refused admission to the United States to take an important job with the company he worked for. As a result of not being able to go, he was let go by the company.

Another important consideration if you are an immigrant to Canada. You might be deported as your conviction will be reported to the Immigration Dept. A good reason for becoming a citizen as soon as possible.

Indictable offenses (Gross Indecency, Indecent Assault Male and Counselling to commit Gross Indecency) all carry the right for trial in a higher court. That is, you have a choice to either proceed at the lower level (Provincial Court) before a Provincial Judge alone or you can elect for trial in a higher court (County Court) before a Judge alone or with a Judge and Jury. We recommend the latter course if possible. You get a much better hearing in High Court and Juries are not usually sympathetic toward police entrapment.

There is a step between lower and higher courts called the Grand Jury. This examines all cases going to high court to see if a "true bill" should be returned. Sometimes Grand Juries look upon homosexual cases as trivial and dismiss them.

If you elect for trial in the County Court a preliminary hearing is held in Provincial Court at which the police evidence is heard and the Judge decides if there is sufficient justification for sending it upstairs. Occasionally a case is discharged at the Preliminary Hearing but not often. Lower courts tend to favour police evidence. You may or may not be called upon to testify at the Preliminary Hearing, in fact even police evidence may be waived, at the discretion of your lawyer. However a preliminary hearing gives your lawyer and you the opportunity to hear the evidence that is submitted against you. Remember,

it is up to the police to prove your guilt. You do not have to go on the stand if you don't want to. You do not have to prove your innocence.

Charges of Indecent Acts in a Public Place or Vag. "E" (being found loitering or wandering aimlessly in or near a Park, Beach, Bathing Area, Playground, or School yard--having had a previous conviction for a sexual offence) are summary offenses and are tried at the lower (Provincial) court level. Again get legal advice before pleading guilty! You may not be guilty of the offense for which you are charged. Homosexuality itself is not a crime.

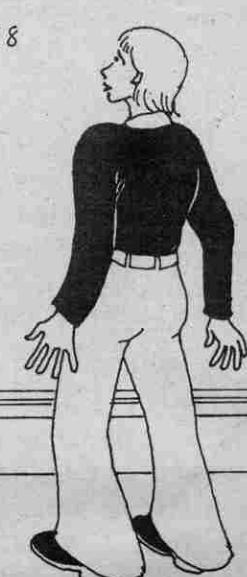
Cases committed to high Court take anywhere up to a year to be heard and the expense can be high--but then what is a conviction worth to you?

It is this fact that so infuriates me. The expense to the tax-payer and to the accused is incredible when the arresting officer--had he been doing his job properly, would have prevented any offense occurring in the first place.

Some officers go deliberately to "catch queers" not to prevent offences and these officers will deliberately stand by until something happens. This is true in High Park, Philosophers' Walk, and in the Subway. We seldom see heterosexuals who use the parks as much, if not more than we do, being charged with any offenses.

In any event getting arrested is going to cost you money. The fine for Gross Indecency or an Indecent Act in a Public Place can run to from \$50.00 to \$200.00 or 10 to 15 days in jail. Vag. "E", the same. Indecent Assault Male carries different penalties depending on whether it's with a juvenile or with a police officer. Sometimes probation is a term of the sentence and this means being supervised for a period from six months to two years.

continued on page 18



Torino**Mario Mieli,**

(a FUORI! member) of Milan distributing leaflets in San Remo.

The "Fronte Unitario Omosessuale Rivoluzionario Italiano" (FUORI!), have printed the second issue (since the first was titled Number 0, this is Number 1) of their excellent gay liberation paper, FUORI! FUORI! (translated "COME OUT!") is written by an editorial collective consisting of an almost equal number of gay women and men. The collective describes the Italian atmosphere as one in which the only tolerance and "forgiveness" for homosexuality has been fame, such as that achieved by Italy's film directors and writers. FUORI! invited all Italian gay sisters and brothers to COME OUT and discover the body as liberation and find freedom from the present society which "uses the body primarily to increase production". The Issue 1 editorial (entitled "Who Speaks for the Homosexual?") and lead article deal with the first public gay demonstrations in Italy. Gays from Italy, Belgium, Norway, and Holland demonstrated against an International Sexology Conference in San Remo, Italy, which condemned homosexuality as an "infantile regressive" expression. FUORI! reports that the straight Italian press gave favourable coverage to the gay viewpoint.☆

Marcuse's Visit

On the evening of May 29, Herbert Marcuse, philosopher and author of several books discussing the need for social revolution, concluded the *Toronto Star* public lecture series with an address on the positive aspects of nationalism as a force against cultural-economic imperialism. During the question period, a gay brother asked Marcuse about the situation of homosexuals after a socialist revolution - expressing his apprehension when considering the reactionary macho oppression of Castro's Cuba. Marcuse explained that the true revolution will remove the restrictions of the bourgeois state and will make way for the emergence of biologically new women and men.

While Marcuse was being scurried off by members of the *Star* and intellectual elite, this reporter went up to ask about a letter and copies of *The Body Politic* which had been mailed to him three weeks earlier. He acknowledged receiving the package and assured me that he had "even looked at them". As he was led out the door, he turned around and wished us good luck.☆

OFY Grant

Vancouver's GAA has been given a \$9,500 OFY grant to investigate how existing social services relate to gays; and to recommend any necessary changes.☆

Copenhagen

As most everyone knows, Denmark is the pornographic capital of the world. Thus, not surprisingly, Danish legislation with respect to homosexuality is liberal with the age of consent being 18, and not a great deal of overt social prejudice against gays. Yet, it is certainly not a sexual Utopia. Thus, on Saturday, June 24th, about six hundred gay men and women gathered in Fælledpark to commemorate the St. Christopher Street Riots of 1969. Those present represented a good cross-section of Copenhagen's gay community: young and old, trendy and hippy, conservative and liberal, dedicated gay liberationists, conservative homophiles, and those with just a curiosity to satisfy. The odd heterosexual, a few with their children were also present. With dogs running about, and an ice-cream vendor peddling his goods, not even the light rain dampened the enthusiasm, which is marked by a more serious demeanor and less hoopla than in North American gay gatherings. The open-air gathering was organized and sponsored by the 1948 Group, which is Denmark's major homophile organization (although a more activist group of gays has been formed). The program consisted of a rock band which played a few songs to set the mood, before the speaker began. While, naturally, the speeches were in Danish, through the help of friend-translator I understood that one radical woman --straight--delivered an attack upon the social sanctification of the nuclear family, the male chauvinism of many gay males and the psychologically-individually oppressive nature of role-playing. She was well-received. The speech by the president of the 1948 Group was less militant, centering about police practices and social inequality confronting the homosexual, such as prejudicial inheritance laws. Both talks were short and to the point, so that the rock group could shortly resume with the congregation singing a song about homosexual unification, something, of course, which should not be limited by national boundaries.☆

O.H.R.C. CONT.

His letter to the *Globe and Mail* stated that members of the Legislature are often subject to unwarranted accusations and charges by individuals and groups in an attempt to arouse public controversy and sympathy to their causes.

Despite Mr. Leluk's denial he and Lorne Maeck (Parry-Sound), W.J. Nuttall (Frontenac-Addington) and E.W. Martel (Sudbury-East) were all observed chuckling like fat Rotarians and aping 'sissy' mannerisms. Could it be that these mannerisms then are standard behaviour for these members? If so Queen's Park is aptly named.

Despite the behaviour of this adolescent few, we feel that our visit to Queen's Park, and indeed the entire lobbying campaign succeeded insofar as our aims intended. The public and the legislators were made aware of our interest, presence, and potential political power. Mike Cassidy, the Minister of Labour, Fern Guindon, and others have shown themselves to be responsive to our requests. To others we were a diversion to chortle about over drinks and cigars. We shall see who shall have the last laugh in the future, both in public actions and at the polling booth. The Gay Rights Lobby has begun, is gaining strength, and will not be silenced until we have achieved the basic rights and freedoms we deserve. Hugh Brewster

**Angelo Pezzana,**

with a sign ("NOBODY HAS THE RIGHT TO REPRESS OUR SEXUALITY") against the fascist congress in San Remo.

West Berlin

Homosexuelle Aktion Westberlin (HAW) hosted a weekend of film and discussion on homosexuality here for 200 guests on May 19. Groups discussed the personal and political problems of gay liberation. It was decided that gays need to organize to raise the consciousness levels of their brothers and sisters. The conference was avoided by the more conservative gay groups in the area. HAW organizers considered the meeting a great success.☆

Altman visits Toronto

Australian Dennis Altman, author of *Homosexual: Oppression and Liberation*, visited Toronto from May 16-20 as guest of *The Body Politic Editorial Collective*. On the evening of May 18, *The Body Politic* sponsored a public forum with Dennis Altman as the guest speaker. Over 150 people attended the meeting. After brief introductory remarks, Dennis initiated a dialogue with members of the audience. The discussion related to the ideas expressed in *Homosexual*, and to a comparison of the gay lib movements in Australia and Canada. Altman sees many similarities between our socio-political structures, and feels more optimistically about the possibilities for social evolution in our two countries than he does about the USA. He suggested that the division and violence which is so much a part of American society, is even reflected in the efforts of the gay movement. Dennis was very complimentary of *The Body Politic*, which he feels expresses both the joy and the more serious political nature of gay liberation.

After a few days relaxation in the city, Dennis left for New York to continue his North American tour.☆

A COURT-IN' CONT.

Criminal records can be expunged (in reality placed in storage) after five years for an indictable offense, two years for a summary. If you have an old record you should see about getting it removed. CHAT can advise you on this.

Finally, if you are arrested--call CHAT right away! We are here to help. Do not feel guilty about being a homosexual. This is not an offense and never has been. Be careful how you invite someone to have sex with you and always suggest a private place and never grope a stranger.

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NB: TGA and TBP have demanded the removal of the nebulous terms "gross indecency" and "indecent act" from the Criminal Code; and to change the equally nebulous term "in private" to "a condition of privacy".

George Hislop